

IN THE UNITED STATES DISTRICT COURT

For the Southern District of California

SECURITIES AND EXCHANGE
COMMISSION
Plaintiff,

v.

JAMES E. FRANKLIN,
Defendant.

Case No. 02cv84 DMS (RBB)

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant **James E. Franklin** respectfully submits this **Notice of Supplemental Authority** in support of his pending **Motion to Set Aside the Judgment**.

New Supreme Court Authority: SEC v. Jarkesy

On **June 27, 2025**, the United States Supreme Court decided **SEC v. Jarkesy, No. 22-859**, holding that:

The Seventh Amendment guarantees the right to a jury trial when the SEC seeks civil penalties. Administrative adjudications by the SEC that bypass jury trials for punitive matters are unconstitutional.

This landmark ruling affirms that:

- SEC actions seeking fines or penalties must be tried before **a jury in Article III courts**, not by administrative law judges;

- The government cannot sidestep **constitutional protections** under the guise of regulatory enforcement.

Relevance to Defendant Franklin's Case

Defendant Franklin's case raises not only allegations of **fraudulent initiation of enforcement proceedings**, but also multiple **constitutional violations** that now fall directly within the scope of **Jarkesy**, including:

1. Improper Venue and Lack of Jury Trial

The SEC denied Franklin his Seventh Amendment right to a jury trial, improperly adjudicating the case in an administrative forum and an earlier proceeding in a federal venue without a **full 12-person jury**. Franklin was tried before **only 9 jurors**, despite his timely objections.

2. Fraudulent Genesis of Enforcement Action

As set forth in the record and in declarations by **Steven J. Meyer** and others, Franklin alleges that private attorneys and conflicted former SEC insiders **planted and manipulated the investigation** for retaliatory purposes—an abuse of process that further invalidates the underlying judgment.

3. Denial of Oral Argument and Procedural Due Process

Franklin was denied the right to fully present his defenses orally, compounding the due process concerns and reinforcing the argument that this case was not adjudicated fairly.

1 **Request for Consideration**

2 Defendant Franklin respectfully requests that this Court:

- 3 • Consider **SEC v. Jarkesy, No. 22-859 (June 27, 2025)** as controlling authority,
4 • Recognize the structural and procedural flaws in Franklin's enforcement action, including
5 the **jury trial deficiency**, and
6 • Grant the pending **Motion to Set Aside the Judgment** in light of this new Supreme
7 Court ruling.

8 A copy of the decision has been provided previously as part of the record.
9

10 **DATED:** July 16, 2025

11 **Respectfully submitted,**
12

13 *James E. Franklin*

14 **James E. Franklin, Pro Se**

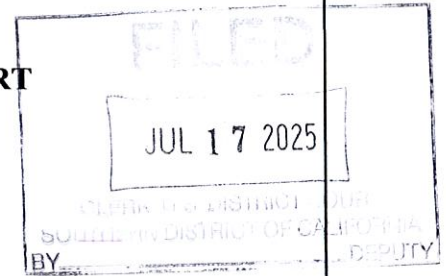
15 1212 H Street, SPC 124

16 Ramona, CA 92065

(720) 771-0140

17 jayvonfrank@gmail.com
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Case No. 02cv84 DEM (RBB)

CERTIFICATE OF MAILING

I, **James E. Franklin**, declare that on **July 16th, 2025**, I caused a true and correct copy of the following document:

NOTICE OF SUPPLEMENTAL AUTHORITY to be placed in the United States mail, with first-class postage prepaid, properly addressed as follows:

Clerk of the Court

U.S. District Court – Southern District of California
333 West Broadway, Suite 420
San Diego, CA 92101

James P. Connor, Esq.

Securities and Exchange Commission
Los Angeles Regional Office
444 S. Flower Street, Suite 900
Los Angeles, CA 90071
Email: connorja@sec.gov (*copy also sent by email as courtesy*)

Department of Justice – Civil Division

Federal Programs Branch
1100 L Street NW
Washington, DC 20005

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2
3
4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on this 16th day of July 2025
6
7

8 

9 **James E. Franklin**

Defendant, Pro Se

10 1212 H Street, #125

Ramona, CA 92065

11 jayvonfrank@gmail.com
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